

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

ROBERTA A. HOWARD

DEBTOR(S)

* CASE NO.: 11-40397
* CHAPTER 13 PROCEEDING
*
* HONORABLE KAY WOODS
* U.S. BANKRUPTCY JUDGE


RESPONSE OPPOSING THE NOTICE OF MORTGAGE PAYMENT CHANGE

Debtor opposes the Notice of Mortgage Payment Change filed by CitiMortgage, Inc. on November 21, 2012. The mortgage payment asserted includes a current escrow and new escrow, both of which are asserted based on Hazard Insurance.

The add-on of hazard insurance was the basis of an alleged post-petition arrearage for which CitiMortgage, Inc. had filed a Motion for Relief from Stay. Debtor provided proof that she had maintained property insurance during the entire period, including a copy of the coverage having been sent to both CitiMortgage, Inc. and their counsel, by Debtor's counsel at the outset of the Chapter 13. The Motion for Relief was withdrawn by CitiMortgage, Inc. on November 7, 2012.

There is no reason for any escrow, nor escrow shortage, as alleged by CitiMortgage on this fixed rate mortgage and therefore a payment change including any escrow is improper.

WHEREFORE Debtor opposes the Notice of Mortgage Payment Change filed by
CitiMortgage, Inc. on November 21, 2012.



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CERTIFICATE OF SERVICE


I hereby certify that on Dec 3, 2012, a true and correct copy of the
Objection to the Notice of Mortgage Payment Change was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on
the Court's Electronic Mail Notice List:

United States Trustee at (Registered address)@usdoj.gov
Michael A. Gallo, Chapter 13 Trustee, at mgallo@gallotruster.com,
mgallo@ecf.epiqsystems.com
Ronald Taylor, Esq., at ronald.taylor@lsrlaw.com
CitiMortgage, Inc., at Citi.Poc@citi.com

And by regular U.S. Mail, postage prepaid, on:

CitiMortgage, Inc., P.O. Box 6030, Sioux Falls, SD 57117-6030
Robert A. Howard, 7399 S. Raccoon Road, Canfield, OH 44406-8102



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